

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-209026

DATE: February 9, 1983

MATTER OF: Jan Evans - Travel Expenses - Reduction
in Force

DIGEST: Employee who was separated by a reduction in force in San Francisco, California, is not entitled to travel expenses incurred when she traveled at a later date to San Francisco, from her home in Maryville, Washington, to accept a temporary appointment. There is no statutory authority for payment since 5 U.S.C. § 5724a(c) requires that the employee must be reemployed in a nontemporary position, and in a different geographical location, in order to be reimbursed.

This decision is in response to a letter from Ms. Jan Evans, a former employee of the Community Services Administration, San Francisco, California. Ms. Evans claims reimbursement for travel expenses incurred when she traveled from her home in Maryville, Washington, to San Francisco, to accept a permanent appointment with the Office of Community Services (OCS), Department of Health and Human Services.

The issue we are presented is whether a former employee, who is separated by reason of reduction in force, is entitled to travel expenses incurred in returning to the same geographical location from which separated.

The claim is denied since there is no statutory authority for payment.

BACKGROUND

Ms. Evans was separated from the Community Services Administration by a reduction in force in September 1981, in San Francisco, California. In March, 1982, she was offered a permanent position with the OCS in San Francisco. She accepted the position. Since Ms. Evans had moved away from the area after separation to Maryville, Washington, it was necessary for her to return to San Francisco.

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Prior to the date Ms. Evans was to report, the OCS discovered an error in its records. It was determined that Ms. Evans did not have enough seniority in Federal service to make her eligible for the permanent position. The OCS tried to contact Ms. Evans before she completed her move, but was unsuccessful.

When Ms. Evans reported for work, she was notified that she was ineligible for the permanent position. She accepted temporary employment, but resigned after 5 days to accept other employment.

Ms. Evans now believes that since the OCS was in error, she is entitled to the "travel related" expenses she incurred in moving. The Office of the Secretary, Department of Health and Human Services, responded to an inquiry made by Senator Henry Jackson on behalf of Ms. Evans. The Acting Personnel Officer informed Senator Jackson that no legal authority existed which would allow the agency to reimburse Ms. Evans for those expenses. We agree with the conclusion reached by the Department of Health and Human Services that the expenses may not be paid.

DISCUSSION

Specific statutes allow payment of certain traveling and moving expenses for Federal employees in limited circumstances. The principal authority for reimbursement of relocation expenses of civilian employees is contained in Chapter 57, Subchapter II, of title 5 of the United States Code. More specifically, Section 5724a(c) allows payment of moving expenses for an employee who was separated by reduction in force and is subsequently reemployed within 1 year at a different geographical location. That section provides that:

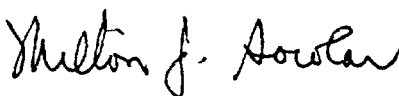
"(c) Under such regulations as the President may prescribe, a former employee separated by reason of reduction in force or transfer of function who

within 1 year after the separation is re-employed by a nontemporary appointment at a different geographical location from that where the separation occurred may be allowed and paid the expenses authorized by sections 5724, 5725, 5726(b), and 5727 of this title, and may receive the benefits authorized by subsections (a) and (b) of this section, in the same manner as though he had been transferred in the interest of the Government without a break in service to the location of re-employment from the location where separated."

The statute contains certain absolute mandatory requirements, and since Ms. Evans was not reemployed in a nontemporary position, nor was she reemployed in a different geographical location, she is not eligible for travel expenses under this statute. See Jack Bernbaum, B-186245, September 22, 1976.

While we recognize that Ms. Evans traveled to San Francisco in reliance upon the offer made by the OCS, there is no statutory authority which would allow payment of her expenses. William J. Schuhl B-206447, July 27, 1982.

Accordingly, absent such authority, the OCS may not pay the expenses and her claim must be denied.

for 
Comptroller General
of the United States